

DECLARATION OF JOHN MICHAEL DURBACK

Now comes John Michael Durback, Declarant herein, who deposes and says as follows:

1) My name is John Michael Durback, 4134 Stannard Drive, Toledo, OH 43613. I am 28 years old and am an elector. I have lived in Toledo, Ohio for one year. I grew up in Sylvania, a suburb, and my parents and other relatives live in the area.

2) I became involved in the campaign to restore Lake Erie in recent years. I've known the Lake's health has been very bad for quite some time, going as far back as when I used to visit Maumee Bay State Park and Crane Creek State Park, both a few miles east of Toledo on the Lake when I was younger. I could see warning signs about the declining water quality on the beaches. When Toledoans for Safe Water ("TSW") was formed in response to the 2014 water crisis, I jumped at the chance to join a group pushing for a cleanup of the lake.

3) I've been an organizer for TSW for the last two and a half years. I joined because I saw it as a grassroots organization capable of the necessary strategy of pushing for change from the bottom up. During the initiative petition drive, I personally gathered 1,649 signatures of the 10,000+ we obtained. I have attended weekly meetings for the past two and a half years. I have attended and helped to organize TSW events. The events have aimed at educating the public as to how our regulatory agencies and elected officials continually fail to protect our environment, and how we as a community can organize to assert our right to self-governance in pursuit of a clean environment.

4) The major circumstances driving the algae contamination crisis are that animal waste from large industrial livestock operations within the Lake Erie watershed, as well as fertilizer runoff, are fueling the growth of blue-green algae. The addition of the increased exposure to sunlight in Lake Erie's shallow western basin leads to dramatic algal blooms each summer. There is other significant pollution. The City of Toledo's sewer system regularly overflows and is drained into the Maumee River. When the city brines the streets with radioactive fracking waste, that runs off into the watershed. Also, waste from dredging gets dumped into the lake in various locations along its shoreline.

5) To even begin to solve the problems of contamination and decline of Lake Erie, the single largest pollution source, livestock waste from concentrated animal feeding operations, must be eliminated. Requiring farms to deconcentrate populations of livestock, or at minimum, build sewage treatment facilities to handle the waste, is also necessary. In general, there needs to be a shift from the highly unsustainable practices of huge industrial agricultural operations to the kind of farming done by many small family and organic farms whose activities don't have an enormous detrimental impact on the ecosystem.

6) State and federal regulatory agencies are captured by the very industries they are supposed to regulate. Our political system allows lobbyists from the Farm Bureau to run the Ohio EPA. It is impossible for such a system to deliver on the needs of citizens whose communities are damaged by large industries who control that very system. Like many battles undertaken over the course of this country's history, like the civil rights movement, and the fight for women's suffrage, it has been necessary for people to organize at the grassroots level and apply pressure from below to enact societal change. Citizens in communities like Toledo banding

together to assert their rights is the only outlet our political system affords us to make tangible progress.

7) I am not confident that the City of Toledo will do an adequate job of defending the Lake Erie Bill of Rights ("LEBOR") in court because the entirety of Toledo's political establishment came out against LEBOR. The president of City Council was vocally opposing LEBOR throughout the 2018-2019 initiative campaign. When City Council was forced to make the ministerial move of passing an ordinance to forward LEBOR to the ballot, it faced a legal protest. The protest, technically being against Council's ordinance, meant the city had to defend the move to advance LEBOR to the ballot. Fortunately, our attorney was granted permission to defend LEBOR at the necessary hearing because the head of the city's legal department confessed he was himself ignorant of the contents of the Charter Amendment. It has repeatedly been made clear that through either incompetence, or open hostility to LEBOR, that the city will in no way be able to adequately defend LEBOR.

8) If we lose Lake Erie as a source of drinking water, for recreation, industry, residential living and agriculture, it will cause long-term devastation to the Great Lakes region.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 11th day of March, 2019 at Toledo, Ohio.


John Michael Durback